

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #4	CCRB Case #: 202103110	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/23/2021 12:30 AM, Monday, 05/24/2021 12:30 AM	Location of Incident: Washington Square Park	Precinct: 06	18 Mo. SOL 11/23/2022	EO SOL 11/23/2022	
Date/Time CV Reported Mon, 05/24/2021 2:46 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 05/24/2021 2:46 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. PO Muhammad Amir	10773	966434	006 PCT
4. PO Cydnee Davis	30700	965032	115 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Angel Gonzalez	00463	965143	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: On May 23, 2021, an officer used physical force against an individual.	
B. PO Muhammad Amir	Discourtesy: Police Officer Muhammad Amir spoke discourteously to § 87(2)(b)	
C. PO Muhammad Amir	Force: On May 24, 2021, Police Officer Muhammad Amir struck § 87(2)(b) with a nightstick/asp/baton.	
D. PO Muhammad Amir	Abuse: On May 24, 2021, Police Officer Muhammad Amir interfered with § 87(2)(b)'s use of a recording device.	
E. PO Muhammad Amir	Abuse: On May 24, 2021, Police Officer Muhammad Amir damaged § 87(2)(b)'s property.	
F. PO Cydnee Davis	Force: On May 24, 2021, Police Officer Cydnee Davis used physical force against § 87(2)(b)	
G. Officers	Force: On May 24, 2021, officers used physical force against § 87(2)(b)	

### Case Summary

On May 23, 2021, § 87(2)(b) filed this complaint with the CCRB online on behalf of an unidentified individual. On May 24, 2021, § 87(2)(b) filed this complaint online on behalf of themselves and § 87(2)(b). It was initially alleged that these incidents occurred on the same date. The investigation determined however that they occurred on consecutive days.

On May 23, 2021, at approximately 12:30 a.m., § 87(2)(b) filmed the scene of an arrest outside of 146 West 4<sup>th</sup> Street in Manhattan near a large gathering at Washington Square Park. An officer pushed the individual (**Allegation A: Force**, § 87(2)(g)).

On May 24, 2021, at approximately 12:30 a.m., § 87(2)(b) and § 87(2)(b) attended a large gathering at Washington Square Park when officers from various commands responded to the scene and told the crowd to leave. Police Officer Muhammed Amir from the 6<sup>th</sup> Precinct allegedly approached § 87(2)(b) and cursed at them (**Allegation B: Discourtesy**, § 87(2)(g)). PO Amir allegedly struck § 87(2)(b) with his baton (**Allegation C: Force**, § 87(2)(g)). The impact of the strike allegedly caused § 87(2)(b) to drop and break their phone (**Allegation D-E: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) alleged that Police Officer Cydnee Davis from the 115<sup>th</sup> Precinct pushed her (**Allegation F: Force**, § 87(2)(g)). A group of officers allegedly pushed individuals into § 87(2)(g) causing her to fall and sustain injuries (**Allegation G: Force**, § 87(2)(g)).

After two requests for body-worn camera (BWC) footage, the investigation obtained 105 videos from the first request (Board Review 18) and 107 from the second (Board Review 19) for a total of 212 BWC videos. The NYPD denied the release of 37 videos due to a sealed arrest.

### Findings and Recommendations

**Allegation (A) Force: On May 23, 2021, an officer used physical force against § 87(2)(b)**  
A video posted on Twitter by user § 87(2)(b) showed an officer pushing a bystander at the scene of an arrest on West 4<sup>th</sup> Street outside of Washington Square Park (Board Review 03).

There were two arrests near this location at the time (Board Review 04).

The BWC videos from the arresting officers did not capture the push depicted in the cell phone video (Board Review 05-06).

According to NYPD Legal, there were 142 BWC videos related to the events at Washington Square Park on this date (Board Review 07). The investigation obtained only 105 of the videos, however, due to a sealed arrest unrelated to this case. Thus, 37 videos were not provided. Of the 105 videos obtained, none captured this allegation or the identity of the subject officer (Board Review 18).

§ 87(2)(g)

**Allegation (B) Discourtesy: On May 24, 2021, Police Officer Muhammad Amir spoke discourteously to § 87(2)(b)**

**Allegation (C) Force: On May 24, 2021, Police Officer Muhammad Amir struck § 87(2)(b) with a nightstick/asp/baton.**

**Allegation (D) Abuse of Authority: On May 24, 2021, Police Officer Muhammad Amir interfered with § 87(2)(b)'s use of a recording device.**

**Allegation (E) Abuse of Authority: On May 24, 2021, Police Officer Muhammad Amir damaged § 87(2)(b)'s property.**

§ 87(2)(b) testified that they were at Washington Square Park among a crowd of civilians who were dancing and appeared to be having a party (Board Review 01). § 87(2)(b) was at the park to observe the scene since they heard about an increased police presence at the park the night prior. There was also a large group of approximately 50 to 75 police officers from various commands including the 6<sup>th</sup> Precinct and the Strategic Response Group (SRG). At approximately 12:00 a.m., the officers played a recorded message over the loudspeaker, “The park is closed. It is now 12:00 a.m. Please exit from the park. You are in violation of curfew.” Some of the crowd members dispersed and left the park, while other remained in place. Those who remained appeared to be observers, like § 87(2)(b) or activists intentionally resisting curfew. Generally, the crowd distanced themselves from the officers.

§ 87(2)(b) moved backward toward the south side of the park away from the police. As they did, they filmed the scene on their cell phone. A line of six or seven police officers moved toward § 87(2)(b). One of the officers told § 87(2)(b) to “fucking move” or “fucking leave.” § 87(2)(b) testified that this officer was Police Officer Arnulfo Luciano from PSA 1, but the investigation discovered that the subject officer was PO Amir. § 87(2)(b) stated that this officer, PO Amir, swung his baton twice at § 87(2)(b) striking them on the left side of their body near their rib cage, making an audible clapping sound. § 87(2)(b) sustained bruises on their torso from being struck. § 87(2)(b) dropped their phone, which fell to the ground shattering the glass on the back. § 87(2)(b) told the officer to stop and that they were dispersing. PO Amir continued pushing § 87(2)(b) with his baton. § 87(2)(b) continued walking backwards. Two friends helped escort § 87(2)(b) out of the park by holding their arms. § 87(2)(b) did not seek medical treatment for their bruises. They were unable to recover the video they were filming on their phone, but they stated that there were witnesses who had video footage.

§ 87(2)(b), § 87(2)(g) she did not hear PO Amir give any instructions to § 87(2)(b) prior to striking them (Board Review 02). She did not recall how many times PO Amir struck § 87(2)(b) or how he was holding his baton when he did so.

§ 87(2)(b) provided a cell phone video taken by a friend that partially captured this incident (Board Review 08). At the 00:30 minute-mark of the player’s timestamp, a group of officers approached § 87(2)(b) and § 87(2)(b) shown in the top left corner of the frame. § 87(2)(b) and § 87(2)(b) walked backwards away from the oncoming officers, as they described. A cracking or clapping sound can be heard at the 00:32 minute-mark, but the frame did not show any officers swinging their baton at the time.

PO Amir’s BWC video showed him approaching § 87(2)(b) and § 87(2)(b) at the 2:22 minute-mark of the player’s timestamp (Board Review 09). PO Amir held his baton horizontally in both hands in front of his body. He did not say anything to § 87(2)(b) or § 87(2)(b). At 2:25, PO Amir extended his left hand to § 87(2)(b)’s elbow. § 87(2)(b) stepped back and said, “Don’t fucking touch me.” PO Amir and the officers moved forward while § 87(2)(b) and § 87(2)(b) moved backward. At 2:42, § 87(2)(b) told PO Amir that he assaulted them. PO Amir told them to make their way to the exit. At no point during this video did PO Amir strike § 87(2)(b) with his baton. § 87(2)(b) did not appear to be holding their cell phone at the time; thus, the phone did not fall to the ground and break.

§ 87(2)(b), § 87(2)(g)

**Allegation (F) Force: On May 24, 2021, Police Officer Cydnee Davis used physical force against § 87(2)(b).**

§ 87(2)(b) testified that she walked away from the officers toward the exit with § 87(2)(b) and other individuals (Board Review 02). As she did, PO Davis pushed § 87(2)(b) in the chest with one hand that made contact with § 87(2)(b)'s breast. PO Davis repeatedly yelled that the park was closed as she did so. § 87(2)(b) continued walking toward the exit.

§ 87(2)(b) learned that § 87(2)(b) was pushed, but they did not observe this at the time (Board Review 01).

PO Davis' BWC video showed that she approached § 87(2)(b) and § 87(2)(b) in the same group as PO Amir, at the 2:25 minute-mark of the player's timestamp (Board Review 10). At no point did PO Davis push § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

**Allegation (G) Force: On May 24, 2021, officers used physical force against § 87(2)(b).**

§ 87(2)(b) testified that when she arrived at the south exit of the park, officers pushed the crowd of people behind her (Board Review 02). Crowd members fell onto § 87(2)(b) who in turn fell with her head colliding on the ground. She sustained a concussion and an abrasion on her cheek. At some point during this incident, § 87(2)(b) sustained a bruise on her arm. She did not know how she sustained this injury. § 87(2)(b) had a virtual consultation with an urgent care doctor § 87(2)(b).

§ 87(2)(b) provided a photo of the abrasion on her cheek and bruise on her arm (Board Review 11). She also provided the consultation details of her urgent care visit which listed her diagnosis as "concussion without loss of consciousness."

A BWC video from Police Officer Angel Gonzalez of the 6<sup>th</sup> Precinct showed this portion of the incident beginning at the 4:55 minute-mark of the player's timestamp (Board Review 12). § 87(2)(b) and § 87(2)(b) can be seen standing next to a shirtless individual (CV1) who had his arm around § 87(2)(b)'s shoulders. As they moved backward, § 87(2)(b) and CV1 fell to the ground at the 5:04 minute-mark. It is unclear how they fell, but it does not appear that an officer pushed them or pushed other individuals into them.

§ 87(2)(b), § 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
- § 87(2)(b) has been a party to two additional CCRB complaints and has been named as a victim in one additional allegation (Board Review 13):
  - § 87(2)(b)
- PO Amir has been a member of service for three years and has been a subject in two additional CCRB complaints and four allegations, none of which were substantiated (Board Review 14).  
§ 87(2)(g)

- PO Davis has been a member of service for four years and has been a subject in one additional CCRB complaint and two allegations, none of which were substantiated (Board Review 14).


§ 87(2)(g)

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming psychological and physical distress, physical pain and suffering, and violations of rights, and seeking \$1,000,000.00 or an amount to be determined by a jury as redress (Board Review 15). A 50H hearing was held on § 87(2)(b), the results of which are unknown. No additional notices of claim were found.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 4

Investigator:		Inv. Devaney	10/03/2022
	Signature	Print Title & Name	Date

Squad Leader:	Raquel Velasquez	IM Raquel Velasquez	10/04/2022
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date